

RENTON CITY COUNCIL
Regular Meeting

May 13, 2002
Monday, 7:30 p.m.

Council Chambers
Renton City Hall

MINUTES

CALL TO ORDER

The Renton Composite Squadron Civil Air Patrol Color Guard posted the colors, and Mayor Jesse Tanner led the Pledge of Allegiance to the flag and called the meeting of the Renton City Council to order.

**ROLL CALL OF
COUNCILMEMBERS**

TONI NELSON, Council President; DAN CLAWSON; KATHY KEOLKER-WHEELER; TERRI BRIERE; KING PARKER; DON PERSSON; RANDY CORMAN.

**CITY STAFF IN
ATTENDANCE**

JESSE TANNER, Mayor; JAY COVINGTON, Chief Administrative Officer; LAWRENCE J. WARREN, City Attorney; BONNIE WALTON, City Clerk; GREGG ZIMMERMAN, Planning/Building/Public Works Administrator; JIM SHEPHERD, Community Services Administrator; DEREK TODD, Assistant to the CAO; CYNDIE PARKS, Community Program Coordinator; CHIEF GARRY ANDERSON and COMMANDER KEVIN MILOSEVICH, Police Department.

SPECIAL PRESENTATION
Community Services: Renton
Composite Squadron Civil Air
Patrol

Lieutenant Steve LaBell, Renton Composite Squadron Civil Air Patrol Administrative Officer, explained that the Civil Air Patrol (CAP) is a non-profit auxiliary of the United States Air Force whose purpose is to educate aspiring youth for careers in both military and civilian aviation. Pointing out that membership is voluntary, he stated that the Renton Squadron has been present in the community for approximately 20 years.

Lieutenant LaBell described the mission and objectives of the CAP and detailed the cadet activities of the Renton Squadron. One such activity involves assisting at the Arlington Air Show, along with cadets from British Columbia. He announced that the Renton Squadron received first place in the statewide CAP Color Guard competition in March, 2002, and first place in the Pacific Coast Region Color Guard competition in April, 2002. Lieutenant LaBell stated that the Renton Squadron will represent the Pacific Coast Region in the National Competition to be held at the end of June at the Air Force Academy in Colorado Springs, Colorado.

Lieutenant-Colonel Kenneth L. Miller, Renton Composite Squadron CAP Commanding Officer, expressed his appreciation for the support the citizens of Renton have given the Renton Squadron, and he encouraged the City to also support the Renton Squadron as they proceed to the National Competition in Colorado.

MOVED BY PARKER, SECONDED BY CORMAN, COUNCIL REFER THE SUBJECT OF SUPPORT FOR THE RENTON COMPOSITE SQUADRON CIVIL AIR PATROL TO THE COMMUNITY SERVICES COMMITTEE.
CARRIED.

**ADMINISTRATIVE
REPORT**

Chief Administrative Officer Jay Covington reviewed a written administrative report summarizing the City's recent progress towards goals and work programs adopted as part of its business plan for 2002 and beyond. Items noted included:

✱ Complimentary copies of the latest edition of *New Lifestyles* are now

available from the Human Services Division. This pamphlet is a comprehensive source of Western Washington senior housing options, including independent retirement living, assisted living, licensed single-family homes, boarding care licensed by the State of Washington, Alzheimer's programs, nursing and rehabilitation facilities, in-home care services, and hospice care.

- ✱ On Thursday, May 9th, City street crews flushed all sidewalks in the Transit/Downtown Piazza area and also the downtown portions of S. 2nd and S. 3rd Streets to assist with the Downtown Annual Spring Clean Up.
- ✱ The Renton Police Department will be joining their counterparts from across the State and Nation in a major campaign to get people to wear their seat belts. Called *Click It or Ticket*, enforcement efforts begin May 20th. A seat belt ticket costs \$86 and a driver can be ticketed for every unbuckled passenger in the car who is under 16. Passengers aged 16 and older can be given their own seat belt ticket, even if they are not driving.

AUDIENCE COMMENT

Citizen Comment: Enrico –
Kennydale Apts (N 30th St),
Legal Non-Conforming
Property

Tom Enrico, 12101 SE 16th Pl., Bellevue, 98005, stated that he is the owner of the Kennydale Apartments located at 1416 N. 30th St., an eight-unit apartment building built in 1962. He explained that when he purchased the building, he was under the impression that the legal non-conforming building status could be changed with a conditional approval permit. Since then, he has discovered that due to previous zoning changes in 1992/1993 which did not affect his property, his property was prohibited from the conditional zoning process. Stating that he wants to improve, maintain, and manage the older apartment building in a way that benefits the tenants, neighbors, and the City, Mr. Enrico requested that his legal non-conforming property be grandfathered in and given equal consideration under the existing zoning laws and processes.

Responding to Councilman Corman's inquiry, Mr. Enrico explained that it is difficult to get a building improvement loan at a low interest rate due to the property's status as a legal non-conforming building. The improvements he is considering include repaving the parking lot and remodeling some kitchens. He noted that he has not yet applied for any building permits.

Pointing out that the City's conditional zoning permit process allows legal non-conforming properties to be considered as legal conforming properties, Mr. Enrico indicated that some property owners are allowed to apply for this process and some are not.

City Attorney Larry Warren explained that there was a process for legal non-conforming uses when the City made changes to the Comprehensive Plan due to the Growth Management Act and regulatory reform. The process, which was in effect for a limited period of time after the Comprehensive Plan changes, allowed non-conforming property owners to rebuild if, for example, a fire destroyed their property. Mr. Warren stated that the law generally indicates that once a use is found to be non-conforming, the use is gradually phased out and becomes a conforming use over a period of time.

Council discussion ensued regarding bank loan interest rates and loan criteria, and Councilman Corman suggested the City write a letter to Mr. Enrico's bank explaining the legal non-conforming property status laws. Council discussion continued regarding the possibility of changing the Comprehensive Plan designation for the property, the apartment building's proximity to future Fire

Station #15, and the maintenance of affordable housing in Renton.

Mayor Tanner stated that the administration will review the matter and report back to Council.

CONSENT AGENDA

Items on the consent agenda are adopted by one motion which follows the listing.

Council Meeting Minutes of
May 6, 2002

Approval of Council meeting minutes of May 6, 2002. Council concur.

CAG: 02-048, N Talbot Pump
Station Rehabilitation &
Modifications, Omega
Contractors

City Clerk reported bid opening on 5/02/2002 for CAG-02-048, North Talbot Pump Station Rehabilitation and Modifications to Other Water Facilities; one bid; engineer's estimate \$283,303.23; and submitted staff recommendation to award the contract to bidder, Omega Contractors, Inc., in the amount of \$217,436.80 (budgeted amount \$200,000). Refer to Utilities Committee.

CAG: 02-066, Fire Station #14
Exhaust System, Foster-Bray
Company

City Clerk reported bid opening on 5/06/2002 for CAG-02-066, Fire Station #14 Exhaust System; two bids; project estimate \$30,000; and submitted staff recommendation to award the contract to low bidder, Foster-Bray Company, Inc., in the amount of \$35,000. Refer to Finance Committee.

Community Services: Edlund
Property, King County
Conservation Futures Grant
Application

Community Services Department recommended approval of the source of the 50% matching funds as required to apply for 2002 King County Conservation Future grant funds which are used for the acquisition of open space lands. The funds will be used to acquire the Edlund property (identified in the 1992 Comprehensive Parks Plan for potential open space acquisition) in the estimated amount of \$912,000; the City's 50% match is \$456,000. Refer to Community Services Committee.

CAG: 01-042, Landscape
Maintenance Services, Facility
Maintenance Contractors

Community Services Department recommended approval of an amendment to CAG-01-042, contract with Facilities Maintenance Contractors for landscape maintenance services, to extend the contract through 12/31/2002. Contract amendment amount is \$103,770.03. Refer to Community Services Committee.

CAG: 01-065, Hanging Flower
Basket Maintenance,
Kaleidoscope Services

Community Services Department recommended approval of an amendment to CAG-01-065, contract with Kaleidoscope Services for preparation and maintenance of hanging flower baskets and flower pots, to extend the contract from 4/30/2002 through 4/30/2003. Contract amendment amount is \$33,795.67. Refer to Community Services Committee.

Community Services: 2002
Waterfowl Management
Interlocal Agreement

Community Services Department recommended approval of the 2002 interlocal agreement for waterfowl removal (continuation of egg addling program and study), at a cost of \$3,400. Refer to Community Services Committee.

Planning: Harrington Square,
Highlands Redevelopment,
Residential Demonstration
Overlay District

Economic Development, Neighborhoods and Strategic Planning Department requested policy direction to determine whether the Harrington Square Conceptual Plan supports the Highlands redevelopment vision and Council business goals. Council review was also requested of the Residential Demonstration Overlay District to determine the use types and densities necessary to support redevelopment in the Highlands. Refer to Planning & Development Committee and Planning Commission.

CAG: 01-115, Lind Ave S
Overlay, Icon Materials Inc

~~Transportation Systems Division submitted CAG-01-115, Lind Ave. S. Overlay; and requested approval of the project, authorization for final pay estimate in the amount of \$399,739.15, commencement of 60 day lien period, and release of retained amount of \$24,605.79 to Icon Materials, Inc., contractor, if all required releases are obtained. Council concur.~~

CAG: 01-033, 80th Ave S
Sanitary Sewer Extension,
Pivetta Bros Construction

Utility Systems Division submitted CAG-01-033, 80th Ave. S. Sanitary Sewer Extension; and requested approval of the project, authorization for final pay estimate in the amount of \$2,402.30, commencement of 60-day lien period, and release of retained amount of \$43,171.59 to Pivetta Bros. Construction, Inc., contractor, if all required releases are obtained. Council concur.

MOVED BY NELSON, SECONDED BY CORMAN, COUNCIL APPROVE THE CONSENT AGENDA AS AMENDED TO WITHDRAW ITEM 6.i. CARRIED.

Added

CORRESPONDENCE

Citizen Comment: Whitley –
Cedar River Spawning Channel
Replacement Site

Correspondence was read from Marilyn Whitley, 969 Shelton Ave. SE, Renton, 98058, in which she detailed her concerns regarding the impact of the proposed Cedar River spawning channel on the environment and surrounding neighborhood if it is located at the Rolling Hills A site. She requested that the proposed Cedar River spawning channel be placed at the Elliot reach site, not at the Rolling Hills A site. MOVED BY CORMAN, SECONDED BY BRIERE, COUNCIL REFER THIS CORRESPONDENCE TO THE UTILITIES COMMITTEE. CARRIED.

OLD BUSINESS

Police: Staffing

Councilman Clawson stated that long-term and short-term police and fire department staffing issues will be discussed at the Council workshop on Friday, May 17th.

Public Safety Committee

Police: Criminal Code
Adoption from RCW

Public Safety Committee Chair Clawson presented a report regarding the adoption and incorporation of certain provisions from the Revised Code of Washington (RCW) to the Renton City Code. The ordinance adds these statutes to the City Code, and allows these laws to be prosecuted in the Renton Municipal Court.

The Committee found that it would be advisable to adopt the recommended sections from RCW 9A, Washington Criminal Code; Title 9, Crimes and Punishments; Title 10, Criminal Procedure; Title 26, Domestic Relations; Title 69, Food, Drug, Cosmetics and Possession; and Title 77, Fish and Wildlife; to the Renton City Code. A copy of these laws will be kept by the City Clerk. The Committee recommended that those certain RCW provisions be added to Section 6-10-1 of the City Code.*

Councilman Clawson explained that the subject laws have already been adopted by the State and will now be incorporated into the Renton City Code by reference.

*MOVED BY CLAWSON, SECONDED BY PARKER, COUNCIL CONCUR IN THE COMMITTEE REPORT. MOTION CARRIED. (See page 177 for ordinance.)

Utilities Committee

Special Assessment District:
80th Ave S

Utilities Committee Chair Briere presented a report recommending concurrence in the staff recommendation that the 80th Ave. S. Sanitary Sewer Special Assessment District No. 0023 be approved. The Special Assessment District will establish connection charges of \$7,812.14 per single-family unit that are within the boundary of the assessment district. In addition, simple interest will accrue at a rate of 4.86% for a period of ten years.

The Committee further recommended that the ordinance finalizing the 80th Ave. S. Sanitary Sewer Special Assessment District be presented for first reading. MOVED BY BRIERE, SECONDED BY CORMAN, COUNCIL CONCUR IN THE COMMITTEE REPORT. CARRIED. (See page 177 for ordinance.)

Solid Waste: Green Garden Program Contract Adden, Cascadia Consulting Group, CAG-99-180

Utilities Committee Chair Briere presented a report recommending concurrence in the recommendation of the Planning/Building/Public Works Department that the Council approve Amendment #3 to CAG-99-180, Green Garden Program contract with Cascadia Consulting Group, Inc. The contract will provide Integrated Pest Management (IPM) technical assistance to City staff and develop a public education campaign designed to inform residents about the environmental and health benefits associated with the adoption of IPM strategies in the management of their lawns and gardens.

The Committee further recommended that the Council authorize the Mayor and City Clerk to execute the amendment, amending the scope, budget, and timeline to CAG-99-180. MOVED BY BRIERE, SECONDED BY KEOLKER-WHEELER, COUNCIL CONCUR IN THE COMMITTEE REPORT. CARRIED.

Solid Waste: 2002-2003 Waste Reduction & Recycling Grant Agreement, King County

Utilities Committee Chair Briere presented a report recommending concurrence in the recommendation of the Planning/Building/Public Works Department that the Council adopt a resolution authorizing the Mayor and City Clerk to execute the 2002-2003 Waste Reduction and Recycling Grant Program interlocal agreement with King County. The agreement authorizes the City to receive \$103,650 in 2002 funding and \$64,775 in 2003 funding from King County to continue the Special Recycling Events, Natural Yard Care Program, and the Business Recycling Program.

The Committee further recommended that the resolution regarding this matter be presented for reading and adoption. MOVED BY BRIERE, SECONDED BY KEOLKER-WHEELER, COUNCIL CONCUR IN THE COMMITTEE REPORT. CARRIED. (See page 177 for resolution.)

Utility: 2002 CIP Fund Transfer, Telemetry Improvements (SCADA System)

Utilities Committee Chair Briere presented a report regarding the adjustment of the appropriation of funds for the Water Utility Division Capital Improvement Projects (CIP) in 2002. The Committee recommended concurrence in the recommendation of the Planning/Building/Public Works Department that Council approve the transfer of \$100,000 within the 2002 appropriation of funds for the Water Utility Division CIP. The additional funding will allow the Water Utility Division to complete the replacement of the water telemetry system in 2002. The transfer will be from the Reservoir Recoating budget (account no. 421.500.18.5960.34.65.55260) to the Telemetry Improvements budget (account no. 421.500.18.5960.34.65.55120). MOVED BY BRIERE, SECONDED BY KEOLKER-WHEELER, COUNCIL CONCUR IN THE COMMITTEE REPORT. CARRIED.

Finance Committee
Finance: Vouchers

Finance Committee Chair Parker presented a report recommending approval of Claim Vouchers 203497 - 204166 and three wire transfers totaling \$3,733,140.35; and approval of Payroll Vouchers 37753 - 37995, one wire transfer and 555 direct deposits totaling \$1,703,139.77. MOVED BY PARKER, SECONDED BY PERSSON, COUNCIL CONCUR IN THE COMMITTEE REPORT. CARRIED.

Legal: Firemen's Pension Board, City Code Amend

Finance Committee Chair Parker presented a report regarding the Firemen's Pension Board ordinance. The Revised Code of Washington (RCW) Section 41-18-020 specifies that "two regularly employed or retired firemen elected by secret ballot..." may be part of the Firemen's Pension Board. As the City Code is currently written, it does not include the word "retired". Renton Municipal Code

Section 2-6-2, therefore, needs to be updated in order to be in compliance with State law. The Finance Committee recommended that the ordinance regarding this matter be presented for first reading. **MOVED BY PARKER, SECONDED BY PERSSON, COUNCIL CONCUR IN THE COMMITTEE REPORT. CARRIED.** (See later this page for ordinance.)

ORDINANCES AND RESOLUTIONS

Resolution #3565

Solid Waste: 2002-2003 Waste Reduction & Recycling Grant Agreement, King County

A resolution was read authorizing the Mayor and City Clerk to execute the King County Waste Reduction and Recycling Grant interlocal agreement which provides for \$103,650 in funding to implement Special Recycling Events, a Business Recycling Program, and the Natural Yard Care Program. **MOVED BY BRIERE, SECONDED BY KEOLKER-WHEELER, COUNCIL ADOPT THE RESOLUTION AS READ. CARRIED.**

The following ordinances were presented for first reading and referred to the Council meeting of 5/20/2002 for second and final reading:

Budget: 2002 Amendment, Veterans Memorial Park

An ordinance was read amending the 2002 Budget for the express purpose of building a Veterans Memorial Park and appropriating the necessary funds in the amount of \$389,000 for the construction. **MOVED BY NELSON, SECONDED BY PARKER, COUNCIL REFER THE ORDINANCE FOR SECOND AND FINAL READING ON 5/20/2002. CARRIED.**

Legal: Firemen's Pension Board, City Code Amend

An ordinance was read amending Section 2-6-2 of Chapter 6, Firemen's Pension Board, of Title II (Commissions and Boards) of City Code by allowing retired firemen to serve on the Firemen's Pension Board, pursuant to State law. **MOVED BY CLAWSON, SECONDED BY PERSSON, COUNCIL REFER THE ORDINANCE FOR SECOND AND FINAL READING ON 5/20/2002. CARRIED.**

Special Assessment District: 80th Ave S

An ordinance was read establishing a Special Assessment District for sanitary sewer service for properties adjacent to 80th Ave. S., S. 130th St., and S. Langston Rd., and establishing the amount of the charge upon connection to the facilities. **MOVED BY BRIERE, SECONDED BY KEOLKER-WHEELER, COUNCIL REFER THE ORDINANCE FOR SECOND AND FINAL READING ON 5/20/2002. CARRIED.**

Police: Criminal Code Adoption from RCW

An ordinance was read amending Section 6-10-1 of Chapter 10, Criminal Code, of Title VI (Police Regulations) of City Code by adopting portions of the Criminal Code of the Revised Code of Washington (RCW). **MOVED BY CLAWSON, SECONDED BY PERSSON, COUNCIL REFER THE ORDINANCE FOR SECOND AND FINAL READING ON 5/20/2002. CARRIED.**

The following ordinances were presented for second and final reading and adoption:

Ordinance #4963

Planning: Development Regulations (Title 4) Revisions

An ordinance was read amending Section 1-3-4A of Chapter 3, Remedies and Penalties, of Title 1 (Administrative), and Chapters 1 through 11 of Title 4 (Development Regulations) of City Code to reduce and reorganize the City's Development Regulations in a more user-friendly and less costly to amend format. **MOVED BY KEOLKER-WHEELER, SECONDED BY BRIERE,**

COUNCIL ADOPT THE ORDINANCE AS READ. ROLL CALL: ALL

AYES. CARRIED.

Ordinance #4964

Planning: Police Regulations
(Title 6) Revisions (Related to
Title 4 Revisions)

An ordinance was read amending Sections 6-6-3, 6-6-4, 6-6-8, and 6-6-11, and adding a new Section, 6-6-12, Wild and Dangerous Animals, of Chapter 6, Animals and Fowl at Large, of Title 6 (Police Regulations) of City Code by updating references to Title 4 tables, adding definitions, and adding penalty provisions for unlawful acts. MOVED BY CLAWSON, SECONDED BY CORMAN, COUNCIL ADOPT THE ORDINANCE AS READ. ROLL CALL: ALL AYES. CARRIED.

NEW BUSINESS

Police: Hardie Ave NW Traffic
Enforcement

Councilman Clawson expressed his appreciation for the additional Police Department traffic enforcement on Hardie Ave. NW.

Development Services: Animal
Keeping Standards

MOVED BY CORMAN, SECONDED BY KEOLKER-WHEELER, COUNCIL REFER THE SUBJECT OF ANIMAL KEEPING STANDARDS IN RESIDENTIAL AND NON-RESIDENTIAL AREAS TO THE PLANNING AND DEVELOPMENT COMMITTEE. CARRIED.

ADJOURNMENT

MOVED BY NELSON, SECONDED BY CORMAN, COUNCIL ADJOURN. CARRIED. Time: 8:45 p.m.



BONNIE I. WALTON, City Clerk

Recorder: Michele Neumann
May 13, 2002